

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

J.C. BERRY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-20-631-D
	)	
SCOTT CROW, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

This matter is before the Court for review of the Report and Recommendation [Doc. No. 21] issued January 29, 2021, by United States Magistrate Judge Amanda Maxfield Green pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Judge Green recommends the dismissal of this action without prejudice under Fed. R. Civ. P. 4(m) due to Plaintiff's failure to effect service of process on Defendants.

The case file shows no timely objection to the Report nor request for an extension of time, even though Plaintiff was expressly informed of his right to object, the procedure for doing so, and the consequences of failing to object. Therefore, the Court finds that Plaintiff has waived further review of all issues addressed in the Report. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Further, for the reasons fully explained by Judge Green, the Court finds that this action should be dismissed without prejudice to refile.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 21] is ADOPTED in its entirety. This action is DISMISSED without prejudice to a future filing. A separate judgment of dismissal shall be entered.

IT IS SO ORDERED this 26<sup>th</sup> day of February, 2021.



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TIMOTHY D. DeGIUSTI  
Chief United States District Judge